

CLOSED,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00770-DLF

NATIONAL SECURITY ARCHIVE v. U.S. DEPARTMENT
OF STATE

Assigned to: Judge Dabney L. Friedrich
Cause: 05:552 Freedom of Information Act

Date Filed: 04/26/2017
Date Terminated: 02/26/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**NATIONAL SECURITY ARCHIVE**

represented by **Alex Theodore Haskell**
SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP
1440 New York Avenue, NW
Washington, DC 20005
(202) 371-7183
Fax: (202) 661-8220
Email: alex.haskell@skadden.com
TERMINATED: 07/13/2018

Andrew Carl Hanson
SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP
1440 New York Avenue, NW
Washington, DC 20005
(202) 371-7225
Email: Andrew.Hanson@skadden.com
ATTORNEY TO BE NOTICED

Clifford M. Sloan
SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP
1440 New York Avenue, NW
Washington, DC 20005
(202) 371-7040
Fax: (202) 661-8340
Email: cliff.sloan@skadden.com
ATTORNEY TO BE NOTICED

V.

Defendant**U.S. DEPARTMENT OF STATE**

represented by **William Mark Nebeker**
U.S. ATTORNEY'S OFFICE
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2536
Fax: (202) 252-2599
Email: mark.nebeker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/26/2017	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF STATE (Filing fee \$ 400 receipt number 0090-4929628) filed by NATIONAL SECURITY ARCHIVE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Civil Cover Sheet, # <u>6</u>

		Summons to U.S. Department of State, # <u>7</u> Summons Channing D. Phillips, U.S. Attorney for the District of Columbia, # <u>8</u> Summons Jeff Sessions, U.S. Attorney General)(Sloan, Clifford) (Entered: 04/26/2017)
04/27/2017		Case Assigned to Judge Colleen Kollar-Kotelly. (sb) (Entered: 04/27/2017)
04/27/2017	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(sb) (Entered: 04/27/2017)
05/10/2017	<u>3</u>	NOTICE of Appearance by William Mark Nebeker on behalf of U.S. DEPARTMENT OF STATE (Nebeker, William) (Entered: 05/10/2017)
05/15/2017	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE filed by NATIONAL SECURITY ARCHIVE.(Sloan, Clifford) (Entered: 05/15/2017)
05/19/2017	<u>5</u>	SUMMONS (1) Reissued Electronically as to U.S. DEPARTMENT OF STATE (Attachment: # <u>1</u> Consent Form)(zsb) (Entered: 05/19/2017)
05/22/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/2/2017. (Attachments: # <u>1</u> Exhibit A – Certified Mail Receipts, # <u>2</u> Exhibit B – US Postal Service Tracking Receipts)(Sloan, Clifford) (Entered: 05/22/2017)
05/22/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/2/2017. Answer due for ALL FEDERAL DEFENDANTS by 6/1/2017. (Attachments: # <u>1</u> Exhibit A – Certified Mail Receipts, # <u>2</u> Exhibit B – US Postal Service Tracking Receipts)(Sloan, Clifford) (Entered: 05/22/2017)
05/24/2017	<u>8</u>	ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on May 24, 2017. (NS) (Entered: 05/24/2017)
06/01/2017	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF STATE served on 5/26/2017 (Sloan, Clifford) (Entered: 06/01/2017)
06/01/2017	<u>10</u>	ANSWER to Complaint by U.S. DEPARTMENT OF STATE.(Nebeker, William) (Entered: 06/01/2017)
06/06/2017	<u>11</u>	ORDER. The parties shall file a schedule not later than JULY 10, 2017. Signed by Judge Colleen Kollar-Kotelly on 6/6/2017. (lcckk1) (Entered: 06/06/2017)
06/06/2017		Set/Reset Deadlines: Parties shall file a schedule by 7/10/2017. (dot) (Entered: 06/07/2017)
07/10/2017	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 07/10/2017)
07/17/2017		MINUTE ORDER: The Court has received the parties' <u>12</u> Joint Status Report. Defendant represents that it anticipates completing its searches for responsive materials, and will make an initial production, by July 31, 2017. Accordingly, the parties shall file a further Joint Status Report by AUGUST 10, 2017, updating the Court regarding Defendant's productions, and indicating how the parties intend to proceed. Signed by Judge Colleen Kollar-Kotelly on 7/17/2017. (lcckk1) (Entered: 07/17/2017)
07/17/2017		Set/Reset Deadlines: Joint Status Report due by 8/10/2017. (dot) (Entered: 07/18/2017)
08/10/2017	<u>13</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Haskell, Alex) (Entered: 08/10/2017)
08/14/2017		MINUTE ORDER: The Court has received the parties' <u>13</u> Joint Status Report. Defendant represents that it will make rolling monthly productions, with the next production to occur by September 12, 2017. Accordingly, by SEPTEMBER 20, 2017, the parties shall file a further Joint Status Report, updating the Court regarding the status of remaining productions in this matter. Signed by Judge Colleen

		Kollar-Kotelly on 8/14/2017. (lcckk1) (Entered: 08/14/2017)
08/14/2017		Set/Reset Deadlines: Joint Status Report due by 9/20/2017. (dot) (Entered: 08/15/2017)
08/31/2017		ENTERED IN ERROR. . . .WRONG CASE. . . .MINUTE ORDER. Based on the representations in the parties' 32 Joint Status Report, it is hereby ORDERED that the parties shall file a further status report on or before 10/31/2017, which shall contain a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 08/31/2017. (lckbj1) Modified on 8/31/2017 (td). (Entered: 08/31/2017)
08/31/2017		Set/Reset Deadlines: Joint Status Report due by 10/31/2017. (dot) (Entered: 08/31/2017)
09/20/2017	<u>14</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Haskell, Alex) (Entered: 09/20/2017)
10/05/2017		MINUTE ORDER: The Court has received the parties' <u>14</u> Joint Status Report. Therein, Plaintiff requests that the Court "order Defendant to process an average of at least 1000 pages of potentially responsive records per month and provide rolling productions to Plaintiff on a monthly basis." Defendant responds that "[d]ue to its FOIA burden and resource limitations, Defendant cannot agree to process more than an average of 300 pages per month in any one case." So this disagreement may be resolved, the Court hereby orders Defendant to submit an affidavit of the responsible FOIA official by NOVEMBER 1, 2017 explaining in detail why its processing is limited to 300 pages per month, and what the consequences would be if the processing speed were increased for Plaintiff's FOIA request. Signed by Judge Colleen Kollar-Kotelly on 10/5/2017. (lcckk1) (Entered: 10/05/2017)
10/30/2017	<u>15</u>	Unopposed MOTION for Extension of Time to File <i>Declaration</i> by U.S. DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 10/30/2017)
11/03/2017		MINUTE ORDER: Upon consideration of Defendant's <u>15</u> Unopposed Motion for Enlargement of Time, and Memorandum in Support Thereof, and recognizing the parties' continuing negotiations and Defendant's efforts to reallocate resources, the Court finds good cause for an extension of time to file Defendant's declaration pursuant to the Court's October 5, 2017, Minute Order. Accordingly, the Court GRANTS <i>nunc pro tunc</i> Defendant's Motion. Defendant is ordered to file the aforementioned declaration, or, if applicable and in lieu of such declaration, a statement that the parties have agreed regarding the number of pages to be processed each month, by NOVEMBER 9, 2017. Signed by Judge Colleen Kollar-Kotelly on November 3, 2017. (lcckk1) (Entered: 11/03/2017)
11/08/2017	<u>16</u>	STATUS REPORT by U.S. DEPARTMENT OF STATE. (Nebeker, William) (Entered: 11/08/2017)
12/05/2017		Case directly reassigned to Judge Dabney L. Friedrich. Judge Colleen Kollar-Kotelly is no longer assigned to the case. (ztnr) (Entered: 12/05/2017)
04/30/2018		MINUTE ORDER. The parties shall file a joint status report on or before May 21, 2018 that updates the Court about the status of the Department of State's processing and production of records responsive to Plaintiff's FOIA request. Signed by Judge Dabney L. Friedrich on April 30, 2018. (JK) (Entered: 04/30/2018)
05/21/2018	<u>17</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Sloan, Clifford) (Entered: 05/21/2018)
05/21/2018		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, the parties shall submit another joint status report on or before June 22, 2018. Signed by Judge Dabney L. Friedrich on May 21, 2018. (JK) (Entered: 05/21/2018)
06/22/2018	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Nebeker, William) (Entered: 06/22/2018)
06/25/2018		MINUTE ORDER. In light of the parties' <u>18</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before July 20, 2018. Signed by

		Judge Dabney L. Friedrich on June 25, 2018. (MJS) (Entered: 06/25/2018)
06/25/2018		Set/Reset Deadlines: Status Report due by 7/20/2018. (jl) (Entered: 06/25/2018)
07/13/2018	<u>19</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to NATIONAL SECURITY ARCHIVE. Attorney Alex Theodore Haskell terminated. (Haskell, Alex) (Entered: 07/13/2018)
07/19/2018	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Nebeker, William) (Entered: 07/19/2018)
07/19/2018		MINUTE ORDER adopting the proposal in the parties' <u>20</u> Joint Status Report. Accordingly, it is ORDERED that the parties shall file another joint status report on or before September 5, 2018. Signed by Judge Dabney L. Friedrich on July 19, 2018. (JPF) (Entered: 07/19/2018)
09/05/2018	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Nebeker, William) (Entered: 09/05/2018)
09/06/2018	<u>22</u>	MINUTE ORDER adopting the proposal in the parties' <u>21</u> Joint Status Report. Accordingly, it is ORDERED that the parties shall file another joint status report on or before October 9, 2018. Signed by Judge Dabney L. Friedrich on September 6, 2018. (lcldf1) (Entered: 09/06/2018)
10/05/2018	<u>23</u>	NOTICE of Appearance by Andrew Carl Hanson on behalf of NATIONAL SECURITY ARCHIVE (Hanson, Andrew) (Entered: 10/05/2018)
10/09/2018	<u>24</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Hanson, Andrew) (Entered: 10/09/2018)
10/09/2018		MINUTE ORDER adopting the proposal in the parties' <u>24</u> Joint Status Report. Accordingly, it is ORDERED that the parties shall file another joint status report on or before November 9, 2018. Signed by Judge Dabney L. Friedrich on October 9, 2018. (lcldf1) (Entered: 10/09/2018)
11/09/2018	<u>25</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Hanson, Andrew) (Entered: 11/09/2018)
11/09/2018		MINUTE ORDER adopting the proposal in the parties' <u>25</u> Joint Status Report. Accordingly, it is ORDERED that the parties shall file another joint status report on or before December 10, 2018. Signed by Judge Dabney L. Friedrich on November 9, 2018. (lcldf1) (Entered: 11/09/2018)
12/10/2018	<u>26</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Sloan, Clifford) (Entered: 12/10/2018)
12/11/2018		MINUTE ORDER adopting the proposal in the parties' <u>26</u> Joint Status Report. Accordingly, it is ORDERED that the parties shall file another joint status report on or before January 10, 2019. Signed by Judge Dabney L. Friedrich on December 11, 2018. (lcldf1) (Entered: 12/11/2018)
12/11/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/10/2019. (jl) (Entered: 12/11/2018)
01/08/2019	<u>27</u>	Unopposed MOTION to Stay (<i>Defendant's Unopposed Motion to Stay Proceedings in Light of Lapse in Appropriations</i>) by U.S. DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 01/08/2019)
01/10/2019		MINUTE ORDER granting in part the government's <u>27</u> Unopposed Motion to Stay Proceedings in Light of Lapse in Appropriations. Accordingly, it is ORDERED that the deadline for the parties' next joint status report is extended and the parties shall file a joint status report no later than 7 days after Congress has restored appropriations to the Department of Justice. Signed by Judge Dabney L. Friedrich on January 10, 2019. (lcldf1) (Entered: 01/10/2019)
01/31/2019	<u>28</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Nebeker, William) (Entered: 01/31/2019)

01/31/2019		MINUTE ORDER adopting the proposal in the parties' <u>28</u> Joint Status Report. Accordingly, it is ORDERED that the parties shall file a notice of voluntary dismissal or joint status report on or before February 25, 2019 indicating whether they have resolved the issue of attorneys fees and costs and proposing a briefing schedule, if necessary. Signed by Judge Dabney L. Friedrich on January 31, 2019. (lclfl1) (Entered: 01/31/2019)
02/25/2019	<u>29</u>	STIPULATION of Dismissal (<i>Voluntary Stipulation of Settlement and Dismissal, and Notice of Proposed Order</i>) by NATIONAL SECURITY ARCHIVE. (Attachments: # <u>1</u> Text of Proposed Order)(Sloan, Clifford) (Entered: 02/25/2019)
02/25/2019		MINUTE ORDER. In light of the parties' <u>29</u> Voluntary Stipulation of Settlement and Dismissal, this case is dismissed with prejudice, with each party to bear its own fees and costs. It is ORDERED that the parties' request that the Court retain jurisdiction to ensure compliance with the terms of the settlement agreement is DENIED. The Clerk of Court is directed to close this case. Signed by Judge Dabney L. Friedrich on February 25, 2019. (lclfl1) (Entered: 02/25/2019)